

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MICHAEL J. SAVENA,	:	
Individually and On Behalf of All Others	:	Civil Action No. 07 Civ. 9837
Similarly Situated,	:	
	:	
Plaintiff,	:	
	:	
MERRILL LYNCH & CO., INC., E.	:	
STANLEY O'NEAL, AHMASS L.	:	
FAKAHANY, GREGORY J. FLEMING	:	
and JEFFREY N. EDWARDS,	:	
	:	
Defendants.	:	
	:	

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Michael J. Savena voluntarily dismisses without prejudice his Complaint in this action.

Respectfully submitted, this 9th day of January, 2008.

**CHITWOOD HARLEY HARNES LLP**

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*Counsel for Plaintiff Michael J. Savena*

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FAKAHANY, GREGORY J. FLEMING	:	
and JEFFREY N. EDWARDS,	:	
	:	
Defendants.	:	
	:	

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the within and foregoing “**Notice of Voluntary Dismissal Without Prejudice**” by electronic filing and by depositing a true and correct copy of same in the United States Mail, postage prepaid, addressed to counsel for Defendants as follows:

Jay B. Kasner  
Scott Musoff  
**Skadden, Arps, Slate, Meagher & Flom LLP**  
Four Times Square  
New York, NY 10036-6522

This 9th day of January, 2008.

**CHITWOOD HARLEY HARNES LLP**

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